2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

19 May 2005

Original: English

New York, 2-27 May 2005

Working paper submitted by the European Union

Fundamental elements proposed by the European Union, in conformity with the Common Position adopted by the EU Council of Ministers, to be inserted in the Final Document of the 2005 NPT Conference concerning Main Committee III

The 2005 Review Conference:

Should reach consensus on the basis of the framework established by the NPT by supporting the Decisions and the Resolution adopted at the 1995 Review and Extension Conference and the final document of the 2000 NPT Review Conference, and shall bear in mind the current situation and shall promote inter alia the following essential issues, including:

Peaceful uses of nuclear energy

1. Recognizes the right of States Parties to the NPT to nuclear energy for peaceful purposes, in accordance with Article IV thereof, with due regard for Articles I, II and III of the Treaty.

2. Notes that the States Parties to the NPT may, pursuant to Article IV thereof, have resort to peaceful uses of nuclear energy, inter alia in the area of production of electricity, industry, health and agriculture.

3. Urges the formulation of guarantees of access to nuclear fuel services, or to fuel itself, subject to appropriate conditions.

4. Notes the report of the IAEA's expert group on Multilateral Nuclear Approaches to the Nuclear Fuel cycle and promotes an early start to its scrutiny by the IAEA.

5. Calls for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances.

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Nuclear terrorism

6. Stresses the need to do everything possible to prevent the risk of nuclear terrorism, linked to possible terrorist access to nuclear weapons or materials that could be used in the manufacture of radiological dispersal devices and, in this context, stresses the need for compliance with obligations under Security Council resolution 1540 (2004). Calls for tighter security for high activity radioactive sources. Supports G8 and IAEA action in this regard.

Nuclear safety

7. Underlines the importance of continuing international cooperation in order to strengthen nuclear safety, safe waste management and radiological protection and calls upon States that have not yet done so to accede to all the relevant conventions as soon as possible and to implement fully the ensuing commitments.

Withdrawal from the Treaty

8. Draws attention to the potential implications for international peace and security of withdrawal from the NPT. Urges the adoption of measures to discourage withdrawal from the said Treaty.

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Working paper submitted by Nigeria

Issues to be considered by Main Committee III

Peaceful uses of nuclear energy

1. The Conference underlines the important role of the IAEA in assisting developing countries in the peaceful uses of nuclear energy by developing relevant programmes and providing a framework for cooperation in that regard. The Conference recognizes that the application of nuclear energy for peaceful purposes plays an important role in the socio-economic development of developing countries. The Conference, therefore, reaffirms the inalienable right of States Parties to NPT to engage in research, production and use of nuclear energy for peaceful purposes without discrimination, and the right to unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes.

2. States Parties agree that the right to peaceful uses of nuclear energy will be preserved and respected unconditionally, and that their actions in this matter will always be in conformity with Articles III, IV and V of the Treaty. States Parties further agree to make every effort to ensure that IAEA has the financial and human resources necessary to effectively meet its responsibilities towards assisting developing countries in developing nuclear energy for peaceful purposes.

3. The States Parties reaffirm their commitment to IAEA safeguards system and the achievement of its universal application. The Conference urges all States that have not yet done so to sign comprehensive safeguards agreement with IAEA and place any nuclear facilities under its safeguard arrangement. In this connection, the Conference underscores the need for all States Parties to honour their obligations under Article III of the Treaty.

Dumping of radioactive waste

4. The Conference attaches great importance to resolution 58/60 of the General Assembly on the Prohibition of the Dumping of Radioactive Wastes, and calls upon States to take appropriate measures to prevent any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States. In this regard, the Conference recalls the resolution adopted by the Council of Ministers of the Organization of African Unity in 1991 (CM/Res.1356 {LIV}) on the Bamako

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Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movement within Africa. The Conference calls for effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA as a means of enhancing the protection of all States from dumping of radioactive wastes on their territories.

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Environmental consequences of uranium mining

Working paper submitted by the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan, and the Republic of Uzbekistan

I. **Background**: The report of Main Committee III of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons notes, that there have been exceptional instances in which serious environmental consequences have resulted from uranium mining and associated nuclear fuel-cycle activities in the production and testing of nuclear weapons. Similar language is contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

II. **Recommendations**: We recommend that the 2005 NPT Review Conference reiterate the call made at the 1995 and 2000 Conferences upon all international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance, as may be requested, for radiological assessment and remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

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Working paper for submission to Main Committee III by the Republic of the Marshall Islands

The Republic of the Marshall Islands proposes that the following be included in the report of Main Committee III and the Final Document of the Review Conference.

Noting that people and environments have been adversely affected by the testing of nuclear weapons within the boundaries of a United Nations Trust Territory, the Conference calls upon all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants, as well as health-care delivery for populations exposed to radiation, to give appropriate assistance, as may be requested, for radiological assessment and remedial purposes in affected areas, while noting the efforts that have been made to date in this regard.

Furthermore, responsible Governments must take the necessary steps to provide adequate health care, clean-up, radiation protection for the public, and compensation, in view of changed circumstances, to affected and displaced human populations as well as the needed restoration of economic productivity of areas that were subject to nuclear testing.

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Combating the risk of nuclear terrorism by reducing the civilian use of highly enriched uranium

Working paper submitted by Iceland, Lithuania, Norway and Sweden

1. The threat of nuclear terrorism constitutes a growing danger to international peace and security, a concern that is reflected in United Nations Security Council resolution 1540 (2004) and the International Convention on the Suppression of Acts of Nuclear Terrorism (2005). Highly enriched uranium (HEU) is of particular concern in this context, due to the technical feasibility of constructing a crude nuclear explosive device from HEU, making it a possible choice for a terrorist group/non-State actor. This has already been pointed out at this Conference inter alia by IAEA's Director General Dr. Mohamed ElBaradei, in his opening address.

2. The highest priority should therefore be given to impede access by non-State actors to HEU. This material can currently be found in a large number of countries around the world. Measures to secure and eliminate HEU are currently under way as part of commendable international initiatives, such as the G-8 Global Partnership and Global Threat Reduction Initiative. Further action, however, is required to reduce the possibility that terrorist groups could gain access to HEU.

3. HEU is not required for the generation of civilian nuclear power. Currently, HEU is used for civilian purposes as a fuel for research and propulsion reactors, in critical assemblies and as the source of certain short-lived isotopes, which are produced by bombarding HEU targets. In most of these cases, however, low-enriched uranium (LEU) can be substituted for HEU, or other techniques can be applied to achieve the required results.

4. In an effort to reduce the dangers of nuclear terrorism, we recommend that this Conference:

(a) Encourage all countries to consider, and if deemed necessary, implement additional measures to protect and control existing HEU stocks;

(b) Express the view that minimizing the use of and commerce in HEU for civilian purposes is desirable, as is the goal of total elimination of HEU in the civilian nuclear sector as soon as technically feasible;

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(c) Encourage all countries to eliminate or commit to converting those civilian HEU-fuelled installations under their control, for which there is a continuing need, to LEU fuels as soon as technically feasible;

(d) Discourage all countries from undertaking or supporting new civilian projects involving HEU fuel other than for the purpose of down-blending that fuel to LEU;

(e) Encourage the IAEA to establish a comprehensive global inventory of HEU in civilian use and to report to the next NPT Review Conference on the progress made in fuel conversion and in the elimination of reactors and critical assemblies internationally.